

# Order

Michigan Supreme Court  
Lansing, Michigan

March 31, 2021

Bridget M. McCormack,  
Chief Justice

161744

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh  
Elizabeth M. Welch,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 161744  
COA: 349359  
Wayne CC: 18-006845-FC

DAVID ARNOLD CLIFFORD,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the May 28, 2020 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE that part of the Court of Appeals judgment ordering reinstatement of the identity theft charge. As explained by dissenting Judge Jansen, in the absence of evidence that the decedent did not actually use or authorize the use of his bank card, there was not probable cause to bind over the defendant on the identity theft charge. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

We do not retain jurisdiction.

ZAHRA, J., did not participate due to a familial relationship with counsel of record.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 31, 2021

Clerk